

REMARKS

In the current and non-final Office Action, claims 1-66 were examined. Claims 1-66 were rejected.

Specifically, claims 1-66 were “rejected under 35 U.S.C. 102(e) as being anticipated by Maytal et al (U.S. Patent No 6,715,079).” The details of this rejection are presented in the current Office Action at paragraph #4, which is located across pages 2 and 3. This rejection cites to (i) column 5, line 56 to column 6, line 10 and (ii) column 10, lines 16-52. This cited column 10 part of Maytal et al. appears to describe Figure 12.

Of pending claims 1-66, claims 1, 18, 27, 34, 43, and 50 are independent.

The following explanation of the requirements of an anticipation rejection is reproduced from MPEP §2131, page 2100-73, right column (Rev. 2, May 2004):

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

1 As reproduced from column 5, lines 58-67 of Maytal et al., Maytal et al. is
2 generally directed to:

3 a method for protecting soft modem software to be downloaded from an
4 external computer to a local computer having a unique key. The method includes
5 the steps of sending the unique key to the external computer, generating a
6 customized version of the modem software with which the key is associated,
7 downloading the customized version to the local computer, reading the unique key
8 from the local computer, and altering operation of the customized version if the read
9 key is incompatible with the associated key.
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1 I. At least independent claims 1, 18, 27, 34, 43, and 50 are allowable over the
2 art of record because Maytal et al. does not describe rearranging a digital good.

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4 Specifically, at column 10, lines 30-33, Maytal et al. only reads: “The
5 personal computers 90A and 90B send the unique identifiers 96A and 96B,
6 respectively to the internet site 92, where they are used to generate customized
7 versions 100A and 100B of the software 94, respectively.” Maytal et al. neither
8 describes nor teaches any details as to how the customized versions 100 are
9 generated.

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11 Accordingly, no art of record, either alone or in any combination, anticipates
12 or renders obvious at least the following elements in conjunction with the other
13 elements of their respective claims:

14 **Claim 1: converting the initial digital good into a modified digital good**
15 **using the unique key data to selectively individualize the initial**
16 **digital good for use with the computer, such that the plurality of**
17 **selectively arranged *parts in the modified digital good have been***
18 ***rearranged* to have a substantially unique operative configuration**
19 **that properly functions with the computer and is different than the**
20 **initial configuration.**

21 **Claim 18: converting the initial digital good into a modified digital good**
22 **using the unique key data to selectively individualize the initial**
23 **digital good for use with the at least one computer, such that the**
24 **plurality of selectively arranged *parts in the modified digital good are***
25 ***rearranged* to have a substantially unique operative configuration**

1 that properly functions with the at least one computer and is
2 different than the initial configuration.

3 Claim 27: converting the at least a portion using the unique key data to
4 selectively individualize the portion, such that a modified portion of
5 the digital good is produced *having the plurality of parts rearranged*
6 in a different configuration than the initial configuration.

7 Claim 34: an individualizer configured to receive unique key data and at
8 least a portion of an initial digital good that includes a plurality of
9 selectively arranged parts in an initial configuration, and produce at
10 least a portion of a modified digital good using the unique key data
11 to selectively individualize the initial digital good for use with the
12 host computer, and such that the plurality of selectively arranged
13 *parts in the modified digital good are rearranged* to be operatively
14 different in configuration than the initial configuration of the digital
15 good.

16 Claim 43: an individualizer configured to receive the unique key data
17 and at least a portion of an initial digital good having a plurality of
18 selectively arranged parts in an initial configuration and output at
19 least a portion of a modified digital good using the unique key data
20 to selectively individualize the initial digital good, such that in the
21 modified digital good the plurality of selectively arranged *parts have*
22 *been rearranged* to have an operatively different configuration than
23 the initial configuration.

24 Claim 50: at least one individualizer configured to receive the unique key
25 data and at least a portion of an initial digital good that includes a

1 plurality of selectively arranged parts in an initial configuration,
2 and output at least a portion of a modified digital good using the
3 unique key data to selectively individualize the initial digital good,
4 such that the plurality of selectively arranged *parts in the modified*
5 *digital good have been rearranged* to be operatively different in
6 configuration than the initial configuration of the digital good.

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8 Moreover, because Maytal et al. neither describes nor teaches rearranging
9 parts, Maytal et al. certainly cannot describe or teach: a parts rearrangement such
10 that modification results in an **operatively different/unique configuration**.

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12 In view of the above, it is respectfully submitted that independent claims 1,
13 18, 27, 34, 43, and 50 are allowable over the art of record.

1 II. Multiple dependent claims are separately allowable over the art of record.

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3 A. Certain dependent claims are allowable over the art of record
4 because Maytal et al. does not describe any modification/conversion
5 occurring at a host/destination/consumer computer.
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7 With reference to (i) the paragraph beginning at column 10, line 16 and (ii)
8 Figure 12 of Maytal et al., Maytal et al. only describes custom software 100 being
9 generated at an internet site 92. Internet site 92 is distant from PCs 90, which is
10 where customized software 100 is run.
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12 Accordingly, Maytal et al. does not describe (or teach) conversion or
13 modification of a digital good at a host/destination/consumer computer.
14 Consequently, it is respectfully submitted that at least dependent claims 3, 20,
15 34/37/38, and 54/55 are separately allowable. Other claims also recite elements
16 relating to digital good conversion/modification at a host/destination/consumer
17 computer and are thus likewise allowable over the art of record.
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1 B. Certain dependent claims are allowable over the art of record
2 because Maytal et al. does not describe any dividing, splitting, or otherwise
3 handling of multiple portions of a digital good.
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5 With reference to (i) the paragraph beginning at column 10, line 16 and (ii)
6 Figure 12 of Maytal et al., Maytal et al. only describes customizing and otherwise
7 utilizing a single piece of homogenous software both in terms of the download
8 software 94 and the customized versions 100.
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10 Accordingly, Maytal et al. does not describe (or teach) dividing, splitting, or
11 otherwise handling two portions of a digital good. Consequently, it is respectfully
12 submitted that at least dependent claims 7/10, 22, 31, 38, 45/47, and 56/59 are
13 separately allowable. Other claims also recite elements relating to a digital good
14 being divided, split, or otherwise handled in at least two portions and are thus
15 likewise allowable over the art of record.
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1 C. Other dependent claims are also separately allowable.
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3 There are still other additional reasons for the separate allowability of certain
4 dependent claims over the art of record. For example, dependent claims such as 5,
5 30, 46, 57, etc. recite cryptographic features not found in Maytal et al.
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8 Regardless, reasons for the allowability of independent claims 1, 18, 27, 34,
9 43, and 50 have been provided above. Claims 2-17, 19-26, 28-33, 35-42, 44-49, and
10 51-66 depend directly or indirectly from independent claims 1, 18, 27, 34, 43, and
11 50, respectively. Although each dependent claim also includes additional element(s)
12 militating toward allowability (some of which are individually noted above), these
13 dependent claims are allowable at least for the reasons given above in connection
14 with their respective independent claims.
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CONCLUSION

It is respectfully submitted that all of the pending claims 1-66 are allowable,
and prompt action to that end is hereby requested.

Respectfully Submitted,

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